

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. 07-183M
12 v.)
13 LOC V. PHAN,) DETENTION ORDER
14 Defendant.)
15

Offense charged:

Conspiracy to Manufacture Marijuana, in violation of Title 21, U.S.C., Section 846.

Date of Detention Hearing: April 17, 2007

20 The Court, having conducted a contested detention hearing pursuant to Title 18
21 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
22 hereafter set forth, finds that no condition or combination of conditions which the defendant
23 can meet will reasonably assure the appearance of the defendant as required and the safety
24 of any other person and the community. The Government was represented by Sarah Vogel.
25 The defendant was represented by Allen Ressler.

DETENTI

1 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 2 (1) There is probable cause to believe the defendant committed the drug
3 offense. The maximum penalty is in excess of ten years. There is
4 therefore a rebuttable presumption against the defendant's release based
5 upon both dangerousness and flight risk, under Title 18 U.S.C. §
6 3142(e).
- 7 (2) The strength of Government's case against Defendant. The alleged
8 offense involves two home grow locations where over 1000 marijuana
9 plants were found at each residence.
- 10 (3) The defendant claimed an income of \$2,000.000, yet bank transfer
11 receipts show cash transfers in the amount of \$10,000.00 to Vietnam
12 bank accounts. Absent a showing, these funds appear to be illegal
13 proceeds and thereby, presumably increase the risk of flight.
- 14 (4) The defendant's immediate family reside in Washington, however, his
15 parents and siblings are in Vietnam. The Government expressed
16 concerns about his flight to Vietnam where his family resides and argued
17 that Vietnam is a country from which Defendant is not extraditable.

18 Based upon the foregoing information, it appears to the Court that his defendant is a
19 flight risk and that there is no condition or combination of conditions that would
20 reasonably assure future Court appearances and/or the safety of other persons or the
21 community.

22 **It is therefore ORDERED:**

- 23 (1) The defendant shall be detained pending trial and committed to the
24 custody of the Attorney General for confinement in a correction facility
25 separate, to the extent practicable, from persons awaiting or serving
26 sentences or being held in custody pending appeal;

- 1 (2) The defendant shall be afforded reasonable opportunity for private
- 2 consultation with counsel;
- 3 (3) On order of a court of the United States or on request of an attorney for
- 4 the Government, the person in charge of the corrections facility in which
- 5 the defendant is confined shall deliver the defendant to a United States
- 6 Marshal for the purpose of an appearance in connection with a court
- 7 proceeding; and
- 8 (4) The clerk shall direct copies of this order to counsel for the United
- 9 States, to counsel for the defendant, to the United States Marshal, and to
- 10 the United States Pretrial Services Officer.

11 DATED this 17th day of April, 2007.

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14 MONICA J. BENTON
15 United States Magistrate Judge
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